

ESTTA Tracking number: **ESTTA534882**

Filing date: **04/29/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200786
Party	Plaintiff United Global Media Group, Inc.
Correspondence Address	AARON SILVERSTEIN SAUNDERS & SILVERSTEIN LLP 14 CEDAR STREET, SUITE 224 AMESBURY, MA 01913-1831 UNITED STATES trademarks@massiplaw.com, asilverstein@massiplaw.com, ktoms@massiplaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Aaron Y. Silverstein
Filer's e-mail	trademarks@massiplaw.com, asilverstein@massiplaw.com
Signature	/asilverstein/
Date	04/29/2013
Attachments	20130429152956 ugmg notice of reliance.pdf ( 59 pages )(2401592 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/155593  
Filed: October 19, 2010  
Mark: BEAUTV

UNITED GLOBAL MEDIA GROUP, INC.,

Opposer,

v.

BONNIE TSENG,

Applicant.

Opposition No. 91200786

**OPPOSER'S FIRST NOTICE OF RELIANCE**

Pursuant to 37 C.F.R. § 2.120 and § 2.122 and T.M.B.P. § 704.02, Opposer, United Global Media Group, Inc., hereby gives notice that it may rely on any or all of the following evidence in the trial of this matter.

**Registrations of Opposer Not Already in Evidence**

Exhibit No. 1: Status and title copy of U.S. Reg. No. 4080802 for the mark BEAUTY EVERYWHERE, owned by Opposer.

Exhibit No. 2: Status and title copy of U.S. Reg. No. 4101422 for the mark THE BEAUTY CHANNEL, owned by Opposer.

**Discovery Responses**

<b>IDENTITY OF DISCOVERY RESPONSE DOCUMENT</b>	<b>SPECIFIC RESPONSE NUMBERS</b>	<b>EXHIBIT NUMBER</b>
Opposer's First Set of Interrogatories	15, 16, 18, 19, 31, 34, 36, 37, 38, 40, 41	Exhibit No. 3
Opposer's First Request for Admissions	1, 16	Exhibit No. 4
Opposer's First Request for Production of Documents and	11, 12, 15, 18, 19, 26, 30, 31,	Exhibit No. 5

Things	32. 33. 34. 36	
Opposer's Second Request for Admissions; Statement that no responses were made	No responses were made	Exhibit No. 6

Dated: April 29, 2013

United Global Media Group, Inc.

By its attorneys,




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Aaron Silverstein  
Saunders & Silverstein LLP  
14 Cedar Street, Suite 224  
Amesbury, MA 01913  
P: 978-463-9100  
F: 978-463-9109  
E: asilverstein@massiplaw.com

**CERTIFICATE OF SERVICE**

I hereby certify that on April 29, 2013, a true and complete copy of the foregoing OPPOSER'S FIRST NOTICE OF RELIANCE has been served on Applicant by email, by prior agreement of the parties, and via First Class Mail, postage prepaid, to:

Bonnie Tseng  
3020 Lavista Court  
Decatur, GA 30033  
bonnietseng@mindspring.com  
beautv@mindspring.com



---

Aaron Silverstein

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/155593  
Filed: October 19, 2010  
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**OPPOSER'S FIRST NOTICE OF RELIANCE**

**EXHIBIT 1**

USPTO will deploy a small maintenance release for Trademark Status and Document Retrieval (TSDR) system. Deployment will start at 10:00 p.m. on Friday, April 26 and end at 5:00 a.m. on Saturday, April 27. TSDR will be unavailable during the deployment period.

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**Generated on:** This page was generated by TSDR on 2013-04-29 08:34:07 EDT

**Mark:** BEAUTY EVERYWHERE

**BEAUTY EVERYWHERE**

**US Serial Number:** 85045748

**Application Filing Date:** May 22, 2010

**US Registration Number:** 4080802

**Registration Date:** Jan. 03, 2012

**Register:** Principal

**Mark Type:** Service Mark

**Status:** Registered. The registration date is used to determine when post-registration maintenance docun

**Status Date:** Jan. 03, 2012

**Publication Date:** Jan. 11, 2011

**Notice of Allowance Date:** Mar. 08, 2011

## Mark Information

**Mark Literal Elements:** BEAUTY EVERYWHERE

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or co

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Disclaimer:** "BEAUTY"

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Providing audio-visual information in the fields of beauty care and health, online via a global com relating to beauty care and health, online via a global computer network; Providing reviews, comr relating to beauty care and health, online via a global computer network; Providing a website feat beauty care and health; Providing a website featuring videos, images, and other audiovisual or m beauty care and health

**International Class(es):** 044 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

Basis: 1(a)

First Use: Feb. 01, 2007

Use in Commerce: Feb. 01, 2007

**Basis Information (Case Level)**

Filed Use: No	Currently Use: Yes
Filed ITU: Yes	Currently ITU: No
Filed 44D: No	Currently 44D: No
Filed 44E: No	Currently 44E: No
Filed 66A: No	Currently 66A: No
Filed No Basis: No	Currently No Basis: No

**Current Owner(s) Information**

Owner Name: United Global Media Group, Inc.

Owner Address: 214 Main Street, #245  
El Segundo, CALIFORNIA 90245  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Aaron Silverstein

Docket Number: 217.401

Attorney Primary Email [trademarks@massiplaw.com](mailto:trademarks@massiplaw.com)  
Address:

Attorney Email Authorized: No

**Correspondent**Correspondent AARON SILVERSTEIN  
Name/Address: SAUNDERS & SILVERSTEIN LLP  
14 CEDAR ST STE 224  
AMESBURY, MASSACHUSETTS 01913-1831  
UNITED STATES

Phone: 978-463-9100

Fax: 978-463-9100

Correspondent e-mail: [trademarks@massiplaw.com](mailto:trademarks@massiplaw.com)Correspondent e-mail No  
Authorized:

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
	REGISTERED-PRINCIPAL REGISTER	

Jan. 03, 2012

Nov. 30, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 29, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	77976
Nov. 16, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 27, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 27, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 27, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 06, 2011	TEAS EXTENSION RECEIVED	
May 04, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 04, 2011	NON-FINAL ACTION E-MAILED	
May 04, 2011	SU - NON-FINAL ACTION - WRITTEN	74304
Apr. 13, 2011	STATEMENT OF USE PROCESSING COMPLETE	66530
Apr. 07, 2011	USE AMENDMENT FILED	66530
Apr. 11, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Apr. 07, 2011	TEAS STATEMENT OF USE RECEIVED	
Mar. 08, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 11, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 11, 2011	PUBLISHED FOR OPPOSITION	
Dec. 06, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Dec. 05, 2010	ASSIGNED TO LIE	77976
Nov. 11, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
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Nov. 05, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 05, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 29, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 29, 2010	NON-FINAL ACTION E-MAILED	6325
Jul. 29, 2010	NON-FINAL ACTION WRITTEN	74304
Jul. 26, 2010	ASSIGNED TO EXAMINER	74304
May 27, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 26, 2010	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 29, 2011



**Assignment Abstract Of Title Information - Click to Load**

**Proceedings - Click to Load**

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# United States of America

United States Patent and Trademark Office

## BEAUTY EVERYWHERE

**Reg. No. 4,080,802**

**Registered Jan. 3, 2012**

**Int. Cl.: 44**

**SERVICE MARK**

**PRINCIPAL REGISTER**

UNITED GLOBAL MEDIA GROUP, INC. (DELAWARE CORPORATION)  
214 MAIN STREET, #245  
EL SEGUNDO, CA 90245

FOR: PROVIDING AUDIO-VISUAL INFORMATION IN THE FIELDS OF BEAUTY CARE AND HEALTH, ONLINE VIA A GLOBAL COMPUTER NETWORK; PROVIDING INFORMATION RELATING TO BEAUTY CARE AND HEALTH, ONLINE VIA A GLOBAL COMPUTER NETWORK; PROVIDING REVIEWS, COMMENTARY, AND OTHER INFORMATION RELATING TO BEAUTY CARE AND HEALTH, ONLINE VIA A GLOBAL COMPUTER NETWORK; PROVIDING A WEBSITE FEATURING INFORMATION IN THE FIELDS OF BEAUTY CARE AND HEALTH; PROVIDING A WEBSITE FEATURING VIDEOS, IMAGES, AND OTHER AUDIOVISUAL OR MULTIMEDIA MATERIALS IN THE FIELDS OF BEAUTY CARE AND HEALTH, IN CLASS 44 (U.S. CLS. 100 AND 101)

FIRST USE 2-1-2007; IN COMMERCE 2-1-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BEAUTY", APART FROM THE MARK AS SHOWN.

SN 85-045,748. FILED 5-22-2010.

MARK SPARACINO, EXAMINING ATTORNEY



*David J. Kypas*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/155593  
Filed: October 19, 2010  
Mark: BEAUTV

UNITED GLOBAL MEDIA GROUP, INC.,

Opposer,

v.

BONNIE TSENG,

Applicant.

Opposition No. 91200786

**OPPOSER'S FIRST NOTICE OF RELIANCE**

**EXHIBIT 2**

USPTO will deploy a small maintenance release for Trademark Status and Document Retrieval (TSDR) system. Deployment will start at 10:00 p.m. on Friday, April 26 and end at 5:00 a.m. on Saturday, April 27. TSDR will be unavailable during the deployment period.

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Mark: THE BEAUTY CHANNEL

## THE BEAUTY CHANNEL

US Serial Number: 85289521

Application Filing Date: Apr. 07, 2011

US Registration Number: 4101422

Registration Date: Feb. 21, 2012

Register: Principal

Mark Type: Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance docun

Status Date: Feb. 21, 2012

Publication Date: Dec. 06, 2011

### Mark Information

Mark Literal Elements: THE BEAUTY CHANNEL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or co

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Acquired Distinctiveness In whole

Claim:

### Related Properties Information

Claimed Ownership of US [3077921](#), [3086867](#), [3741286](#) and others  
Registrations:

### Goods and Services

#### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Providing audio-visual information in the fields of beauty, salon services, hair, nails, makeup, facia  
loss and treatments, waxing, and electrolysis, lasers, cosmetic surgery, health, nutrition and anti-a  
communications networks, mobile devices and networks, or device-to-device communications; Pr

beauty, salon services, hair, nails, makeup, facials, spa services and treatments, hair loss and treatments, lasers, cosmetic surgery, health, nutrition and anti-aging treatments via electronic communication networks, or device-to-device communications; Providing a web site featuring videos, images, and materials featuring information in the fields of beauty, salon services, hair, nails, makeup, facials, hair loss and treatments, waxing, and electrolysis, lasers, cosmetic surgery, fashion, health, nutrition and reviews, commentary, and other information relating to beauty, salon services, hair, nails, makeup, treatments, hair loss and treatments, waxing, and electrolysis, lasers, cosmetic surgery, health, nutrition and electronic communications networks, mobile devices and networks, or device-to-device communications

**International Class(es):** 044 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jan. 15, 2006

**Use in Commerce:** Jan. 15, 2006

### Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

### Current Owner(s) Information

**Owner Name:** United Global Media Group, Inc.

**Owner Address:** 214 Main Street, #245  
El Segundo, CALIFORNIA 90245  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Aaron Y. Silverstein

**Docket Number:** 217.407/SAS

**Attorney Primary Email Address:** [trademarks@massiplaw.com](mailto:trademarks@massiplaw.com)

**Attorney Email Authorized:** No

#### Correspondent

**Correspondent Name/Address:** AARON Y. SILVERSTEIN  
SAUNDERS & SILVERSTEIN LLP  
14 CEDAR ST STE 224  
AMESBURY, MASSACHUSETTS 01913-1831

## UNITED STATES

Phone: 978-463-9100

Fax: 978-463-9100

Correspondent e-mail: [trademarks@massiplaw.com](mailto:trademarks@massiplaw.com)

Correspondent e-mail No

Authorized:

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 21, 2012	REGISTERED-PRINCIPAL REGISTER	
Dec. 06, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 06, 2011	PUBLISHED FOR OPPOSITION	
Nov. 16, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 03, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Nov. 03, 2011	ASSIGNED TO LIE	67287
Oct. 06, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
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Oct. 05, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 05, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 13, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 13, 2011	NON-FINAL ACTION E-MAILED	6325
Jul. 13, 2011	NON-FINAL ACTION WRITTEN	83178
Jul. 07, 2011	ASSIGNED TO EXAMINER	83178
Apr. 12, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 11, 2011	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 21, 2012

**Assignment Abstract Of Title Information - Click to Load****Proceedings - Click to Load**

# United States of America

United States Patent and Trademark Office

## THE BEAUTY CHANNEL

Reg. No. 4,101,422

Registered Feb. 21, 2012

Int. Cl.: 44

SERVICE MARK

PRINCIPAL REGISTER

UNITED GLOBAL MEDIA GROUP, INC. (DELAWARE CORPORATION)  
214 MAIN STREET, #245  
EL SEGUNDO, CA 90245

FOR: PROVIDING AUDIO-VISUAL INFORMATION IN THE FIELDS OF BEAUTY, SALON SERVICES, HAIR, NAILS, MAKEUP, FACIALS, SPA SERVICES AND TREATMENTS, HAIR LOSS AND TREATMENTS, WAXING, AND ELECTROLYSIS, LASERS, COSMETIC SURGERY, HEALTH, NUTRITION AND ANTI-AGING TREATMENTS VIA ELECTRONIC COMMUNICATIONS NETWORKS, MOBILE DEVICES AND NETWORKS, OR DEVICE-TO-DEVICE COMMUNICATIONS; PROVIDING INFORMATION ONLINE RELATING TO BEAUTY, SALON SERVICES, HAIR, NAILS, MAKEUP, FACIALS, SPA SERVICES AND TREATMENTS, HAIR LOSS AND TREATMENTS, WAXING, AND ELECTROLYSIS, LASERS, COSMETIC SURGERY, HEALTH, NUTRITION AND ANTI-AGING TREATMENTS VIA ELECTRONIC COMMUNICATIONS NETWORKS, MOBILE DEVICES AND NETWORKS, OR DEVICE-TO-DEVICE COMMUNICATIONS; PROVIDING A WEB SITE FEATURING VIDEOS, IMAGES, AND OTHER AUDIOVISUAL OR MULTIMEDIA MATERIALS FEATURING INFORMATION IN THE FIELDS OF BEAUTY, SALON SERVICES, HAIR, NAILS, MAKEUP, FACIALS, SPA SERVICES AND TREATMENTS, HAIR LOSS AND TREATMENTS, WAXING, AND ELECTROLYSIS, LASERS, COSMETIC SURGERY, FASHION, HEALTH, NUTRITION AND ANTI-AGING TREATMENTS; PROVIDING REVIEWS, COMMENTARY, AND OTHER INFORMATION RELATING TO BEAUTY, SALON SERVICES, HAIR, NAILS, MAKEUP, FACIALS, SPA SERVICES AND TREATMENTS, HAIR LOSS AND TREATMENTS, WAXING, AND ELECTROLYSIS, LASERS, COSMETIC SURGERY, HEALTH, NUTRITION AND ANTI-AGING TREATMENTS VIA ELECTRONIC COMMUNICATIONS NETWORKS, MOBILE DEVICES AND NETWORKS, OR DEVICE-TO-DEVICE COMMUNICATION. IN CLASS 44 (U.S. CLS. 100 AND 101).



FIRST USE 1-15-2006; IN COMMERCE 1-15-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,077,921, 3,741,286 AND OTHERS.

*David J. Kappas*

Director of the United States Patent and Trademark Office

SEC. 2(F)

SER. NO. 85-289,521, FILED 4-7-2011



**Reg. No. 4,101,422** MATTHEW EINSTEIN, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

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***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\*  
See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

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**Grace Period Filings\***

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**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

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**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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In the Matter of Application Serial No. 85/155593  
Filed: October 19, 2010  
Mark: BEAUTV

UNITED GLOBAL MEDIA GROUP, INC.,

Opposer,

v.

BONNIE TSENG,

Applicant.

Opposition No. 91200786

**OPPOSER'S FIRST NOTICE OF RELIANCE**

**EXHIBIT 3**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85,155,593  
Filed: October 19, 2010  
Mark: BEAUTV  
Published for Opposition: March 22, 2011

UNITED GLOBAL MEDIA GROUP, INC.

Opposer,

v.

BONNIE TSENG, BEAUTV, INC.

Applicant

Opposition No. 91200786

APPLICANT'S AMENDED RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES

Interrogatory No. 15

Identify all purchasers by class (e.g. retailers, general public) of each item of goods and service distributed, sold, or rendered under Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "purchasers."

Interrogatory No. 16

Identify all businesses or individuals that have purchased goods sold or services rendered in connection with Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "purchased."

Interrogatory No. 18

List all radio and/or TV stations in the United States where Applicant has advertised each good or service rendered in connection with Applicant's Designation and the dates thereof.

**Applicant's Response:**

Non-applicable

Interrogatory No. 19

Identify all media outlets, including but not limited to newspapers, magazines, trade journals, radio or television stations, and websites, through which Applicant has advertised each good or service offered in connection with Applicant's Designation and the publication dates thereof.

**Applicant's Response:**

Non-applicable

**Interrogatory No. 31**

Explain Applicant's order processing, fulfillment, and payment process for each of Applicant's channels of trade.

**Applicant's Response:**

Non-applicable

Interrogatory No. 34

Describe Applicant's plans to expand the sale of goods, or rendering of services, under Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "expand the sale of goods."



Interrogatory No. 36

For each website identified in response to Interrogatory No. 29, state the total number of unique visitors, by state, for each year since Applicant commenced use of Applicant's Designation.

**Applicant's Response:**

Unknown

Interrogatory No. 37

Identify every wholesaler and retail store through which Applicant has sold goods or offered services in connection with Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "sold."

Interrogatory No. 38

Identify every instance in which Applicant's Designation has been mentioned in any publication.

**Applicant's Response:**

Unknown

Interrogatory No. 40

State the basis for Applicant's defense that the Opposer's Marks fail to pre-date the application filing of Applicant's Designation.

**Applicant's Response:**

All of Opposer's marks were filed for designation years after BEAUTV designation was granted in 2002 to Applicant without opposition or conflicting marks.

Interrogatory No. 41

State the basis for Applicant's defense that use of the Opposer's Marks fail to pre-date the use of Applicant's Designation.

**Applicant's Response:**

All of Opposer's marks were filed for Trademark designation years after BEAUTV designation was granted without opposition or conflicting marks in 2002. To date, there has not been any party's stated confusion of BEAUTV Designation with Opposers marks whatsoever. There has been no evidence provided that use of Opposer's marks pre-dated use of BEAUTV designation.

Dated October 3, 2012

BeauTV, Inc.

A handwritten signature in black ink, appearing to read "Bonnie Tse", written over a horizontal line.

Bonnie Tse, BeauTV, Inc.

3020 LaVista Ct.

Decatur, GA 30033

beautv@mindspring.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Response to OPPOSER'S FIRST SET OF INTERROGATORIES was served electronically and via prepaid US mail on October 3, 2012, to:

United Global Media Group, Inc.


c/o Aaron Silverstein

Saunders & Silverstein LLP

14 Cedar St., Suite 224

Amesbury, MA 01913-1831

asilverstein@massiplaw.com

A handwritten signature in black ink, appearing to read "Bonnie Tseng", written over a horizontal line.

Bonnie Tseng, BeauTV, Inc.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/155593  
Filed: October 19, 2010  
Mark: BEAUTV

UNITED GLOBAL MEDIA GROUP, INC.,

Opposer,

v.

BONNIE TSENG,

Applicant.

Opposition No. 91200786

**OPPOSER'S FIRST NOTICE OF RELIANCE**

**EXHIBIT 4**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

UNITED GLOBAL MEDIA GROUP, INC.

Opposer,

v.

BONNIE TSENG, BEAUTV, INC.

Applicant

Opposition No. 91200786

Serial No. 85155593

**APPLICANT'S RESPONSES TO REQUEST FOR ADMISSIONS**

**Request No. 1.**

Admit that on October 19, 2010 Applicant filed United States trademark application Ser. No. 855155593 declaring under penalty of perjury that Applicant was using the mark BEAUTV which is the subject of application Ser. No. 85155593 in connection with "providing information about beauty."

**Applicant's Response to Request No. 1.**

Admit

**Request No. 16.**

Admit that "providing information about beauty" is related to "electronic publishing, namely, publishing of blogs featuring information in the fields of beauty care, cosmetics, health, fitness, and nutrition."

**Applicant's Response to Request No. 16.**

Admit that "providing information about beauty" is related to "electronic publishing," including the publishing of blogs featuring information about beauty care and cosmetics. Deny in reference to health, fitness, and nutrition.

Dated: October 12, 2012

BeauTV, Inc.

A handwritten signature in black ink, appearing to read 'Bonnie Tseng', written over a horizontal line.

Bonnie Tseng, BeauTV, Inc.  
3020 LaVista Ct.  
Decatur, GA 30033  
beautv@mindspring.com



**CERTIFICATE OF SERVICE**

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United Global Media Group, Inc.

c/o Aaron Silverstein

Saunders & Silverstein LLP

14 Cedar St., Suite 224

Amesbury, MA 01913-1831

asilverstein@massiplaw.com

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Bonnie Tseng, BeauTV, Inc.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/155593  
Filed: October 19, 2010  
Mark: BEAUTV

UNITED GLOBAL MEDIA GROUP, INC.,

Opposer,

v.

BONNIE TSENG.

Applicant.

Opposition No. 91200786

**OPPOSER'S FIRST NOTICE OF RELIANCE**

**EXHIBIT 5**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85155593  
Filed: October 19, 2010  
Mark: BEAUTV  
Published for Opposition: March 22, 2011

UNITED GLOBAL MEDIA GROUP, INC.

Opposer,

v.

BONNIE TSENG, BEAUTV, INC.

Applicant

Opposition No. 91200786

**APPLICANT'S RESPONSE TO OPPOSER'S FIRST REQUEST FOR PRODUCTION OF  
DOCUMENTS AND THINGS**

The following are answers to requests for production of documents and things. Copies of non-opposed documents as follows will be submitted via a combination of electronic and hard copy.

**Request No. 11**

All documents relating to the date and manner in which Applicant's Designation was first used in connection with the sale of each type of product or service offered for sale by Applicant.

**Applicant's Response:**

Not Applicable as to reference to "sale."

**Request No. 12**

All sales reports, financial statements, or other documents relating to the revenues Applicant has derived from the sale of each product, or rendering of each service, offered under Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "sale."

**Request No. 15**

Documents sufficient to show Applicant's total annual revenue from the sale of goods bearing Applicant's Designation, or services rendered under Applicant's Designation. for each year the designation has been in use.

**Applicant's Response:**

Not Applicable as to reference to "sale."

**Request No. 18**

Representative samples of all advertisements or promotional materials relating to Applicant's Designation.

**Applicant's Response:**

Not applicable

**Request No. 19**

All documents relating to marketing plans, media plans, business plans or other strategic planning documents relating to Applicant's Designation, or products or services offered, sold, rendered, or intended for sale under Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "sold" and "sale."

**Request No. 26**

All documents relating to the classes or types of purchasers to whom products have been sold, or services have been rendered, or are planned to be sold or rendered, under Applicant's Designation.

**Applicant's Response:**

Not Applicable as to reference to "sold."

**Request No. 30**

All documents relating to any communications between Applicant and any other person regarding Applicant's Designation, or this dispute.



**Applicant's Response:**

None

**Request No. 31**

Copies of all licenses, assignments, distributorship, franchise, or other agreements related to Applicant's Designation.

**Applicant's Response:**

None

**Request No. 32**

Documents sufficient to identify all prospective customers of products or services offered under Applicant's Designation to whom promotional materials have been sent, including the addresses of all such persons.

**Applicant's Response:**

Not Applicable as to reference to "customers."

**Request No. 33**

All documents relating to the date and manner in which Applicant's Designation was last used in connection with the sale of each type of product, or the rendering of each type of service, offered for sale.

**Applicant's Response:**

Not Applicable as to reference to "sale."

**Request No. 34**

All documents referring to any domain names ever owned by Applicant that contain the term BEAUTV, the word BEAUTY, or variations thereof and/or are used or intended to be used in connection with the sale or advertisement of products or services under Applicant's Designation, including without limitation all documents referring to such domain names.

**Applicant's Response:**

The only domain name owned by BEAUTV, INC. is BEAUTV.COM.

**Request No. 36**

All documents relating to the selection of services set forth in U.S. Trademark Application Serial No. 85155593.

**Applicant's Response:**

There are no new documents superseding the initial selection of service of "providing information about beauty" for the initial trademark BEAUTV granted to Applicant without opposition or conflicting marks in 2002.

Dated October 3, 2012

BeauTV, Inc.



Bonnie Tse, BeauTV, Inc.  
3020 LaVista Ct.  
Decatur, GA 30033  
beautv@mindspring.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Response to OPPOSER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS was served electronically and via pre-paid US mail on October 3, 2012, to:

United Global Media Group, Inc.

c/o Aaron Silverstein

Saunders & Silverstein LLP

14 Cedar St., Suite 224

Amesbury, MA 01913-1831

asilverstein@massiplaw.com

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Bonnie Tseng, BeauTV, Inc.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/155593  
Filed: October 19, 2010  
Mark: BEAUTV

UNITED GLOBAL MEDIA GROUP, INC.,

Opposer.

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BONNIE TSENG,

Applicant.

Opposition No. 91200786

**OPPOSER'S FIRST NOTICE OF RELIANCE**

**EXHIBIT 6**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/155593  
Filed: October 19, 2010  
Mark: BEAUTV  
Published for Opposition: March 22, 2011

UNITED GLOBAL MEDIA GROUP, INC.,

Opposer,

v.

BONNIE TSENG,

Applicant.

Opposition No. 91200786

**OPPOSER'S SECOND REQUEST FOR ADMISSIONS**

**DEFINITIONS**

The definitions set forth in Opposer's First Interrogatories to Applicant are hereby incorporated by reference.

**REQUESTS**

Opposer requests that the Applicant, for the purposes of this proceeding, admit under oath or declaration, pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. §2.120, the truth of the following facts:

**Request No. 49**

Admit that Applicant has not rendered "providing information about beauty" services through her beautv.com website for at least the past three years.

**Request No. 50**

Admit that Applicant has not received any correspondence from any public relations firm in connection with under the BEAUTV designation for at least the past three years.

**Request No. 51**

Admit that Applicant cannot document the rendering of “providing information about beauty” services under Applicant’s Designation for the year 2000.

**Request No. 52**

Admit that Applicant cannot document the rendering of “providing information about beauty” services under Applicant’s Designation for the year 2001.

**Request No. 53**

Admit that Applicant cannot document the rendering of “providing information about beauty” services under Applicant’s Designation for the year 2002.

**Request No. 54**

Admit that Applicant cannot document the rendering of “providing information about beauty” services under Applicant’s Designation for the year 2003.

**Request No. 55**

Admit that Applicant cannot document the rendering of “providing information about beauty” services under Applicant’s Designation for the year 2004.

**Request No. 56**

Admit that Applicant cannot document the rendering of “providing information about beauty” services under Applicant’s Designation for the year 2005.

**Request No. 57**

Admit that Applicant cannot document the rendering of “providing information about beauty” services under Applicant’s Designation for the year 2006.

**Request No. 58**

Admit that Applicant cannot document the rendering of “providing information about

beauty” services under Applicant’s Designation for the year 2007.

**Request No. 59**

Admit that Applicant cannot document the rendering of “providing information about beauty” services under Applicant’s Designation for the year 2008.

**Request No. 60**

Admit that Applicant cannot document the rendering of “providing information about beauty” services under Applicant’s Designation for the year 2009.

**Request No. 61**

Admit that Applicant cannot document the rendering of “providing information about beauty” services under Applicant’s Designation for the year 2010.

**Request No. 62**

Admit that Applicant cannot document the rendering of “providing information about beauty” services under Applicant’s Designation for the year 2011.

**Request No. 63**

Admit that Applicant cannot document the rendering of “providing information about beauty” services under Applicant’s Designation for the year 2012.

**Request No. 64**

Admit that Applicant has no documented correspondence with any customer and/or client of Applicant to whom Applicant rendered “providing information about beauty” services under Applicant’s Designation in the year 2000.

**Request No. 65**

Admit that Applicant has no documented correspondence with any customer and/or client of Applicant to whom Applicant rendered “providing information about beauty” services under

Applicant's Designation in the year 2001.

**Request No. 66**

Admit that Applicant has no documented correspondence with any customer and/or client of Applicant to whom Applicant rendered "providing information about beauty" services under Applicant's Designation in the year 2002.

**Request No. 67**

Admit that Applicant has no documented correspondence with any customer and/or client of Applicant to whom Applicant rendered "providing information about beauty" services under Applicant's Designation in the year 2003.

**Request No. 18**

Admit that Applicant has no documented correspondence with any customer and/or client of Applicant to whom Applicant rendered "providing information about beauty" services under Applicant's Designation in the year 2004.

**Request No. 68**

Admit that Applicant has no documented correspondence with any customer and/or client of Applicant to whom Applicant rendered "providing information about beauty" services under Applicant's Designation in the year 2005.

**Request No. 69**

Admit that Applicant has no documented correspondence with any customer and/or client of Applicant to whom Applicant rendered "providing information about beauty" services under Applicant's Designation in the year 2006.

**Request No. 70**

Admit that Applicant has no documented correspondence with any customer and/or client



of Applicant to whom Applicant rendered “providing information about beauty” services under Applicant’s Designation in the year 2007.

**Request No. 71**

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Admit that Applicant has no documented correspondence with any customer and/or client of Applicant to whom Applicant rendered “providing information about beauty” services under Applicant’s Designation in the year 2012.

Dated: November 15, 2012

United Global Media Group, Inc.

By its attorneys,



---

Aaron Silverstein  
Saunders & Silverstein LLP  
14 Cedar Street, Suite 224  
Amesbury, MA 01913  
P: 978-463-9100  
F: 978-463-9109  
E: asilverstein@massiplaw.com

**CERTIFICATE OF SERVICE**

I hereby certify that on November 15, 2012, a true and complete copy of the foregoing OPPOSER'S SECOND REQUEST FOR ADMISSIONS has been served on Applicant by email, by prior agreement of the parties, and via First Class Mail, postage prepaid, to:

Bonnie Tseng  
3020 Lavista Court  
Decatur, GA 30033  
bonnietseng@mindspring.com  
beautv@mindspring.com



---

Aaron Silverstein

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/155593  
Filed: October 19, 2010  
Mark: BEAUTV

UNITED GLOBAL MEDIA GROUP, INC.,

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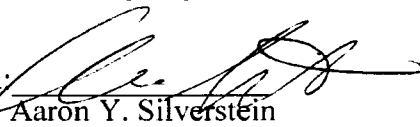
**DECLARATION OF AARON Y. SILVERSTEIN**

I, Aaron Y. Silverstein, hereby declare as follows:

1. My name is Aaron Y. Silverstein. I am counsel of record for Opposer, United Global Media Group, Inc. ("UGMG") in this case.
2. UGMG served Opposer's Second Request for Admissions on Applicant on November 15, 2012. A true and correct copy of Opposer's Second Request for Admissions is attached as Exhibit A to this Declaration.
3. Applicant did not respond to Opposer's Second Request for Admissions.

I declare under penalty of perjury that the foregoing is true and correct.

Signed:

  
Aaron Y. Silverstein

Dated:

April 29, 2013

**EXHIBIT A**  
**To Declaration of**  
**Aaron Y. Silverstein**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/155593  
Filed: October 19, 2010  
Mark: BEAUTV  
Published for Opposition: March 22, 2011

UNITED GLOBAL MEDIA GROUP, INC.,

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BONNIE TSENG,

Applicant.

Opposition No. 91200786

**OPPOSER'S SECOND REQUEST FOR ADMISSIONS**

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Dated: November 15, 2012

United Global Media Group, Inc.

By its attorneys,

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---

Aaron Silverstein  
Saunders & Silverstein LLP  
14 Cedar Street, Suite 224  
Amesbury, MA 01913  
P: 978-463-9100  
F: 978-463-9109  
E: asilverstein@massiplaw.com

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Bonnie Tseng  
3020 Lavista Court  
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bonnietseng@mindspring.com  
beautv@mindspring.com



---

Aaron Silverstein